

WILLMAR CITY COUNCIL PROCEEDINGS
COUNCIL CHAMBERS
WILLMAR MUNICIPAL UTILITIES BUILDING
WILLMAR, MINNESOTA

April 15, 1998
7:00 p.m.

The regular meeting of the Willmar City Council was called to order by the Honorable Mayor Lester Heitke. Members present on a roll call were Mayor Heitke, Council Members Verna Kelly, Ron Christianson, Bruce DeBlieck, Douglas Reese, Richard Halterman, Nancy Houlahan, Vince Van Heuveln, and Rick Fagerlie; Present 9, Absent 0.

Also present were City Administrator Michael Schmit, City Attorney Richard Ronning, Parks and Leisure Services Director Dale Johnson, Public Safety Director Dan Strootman, Public Works Director Mel Odens, Finance Director Steven Okins, Planning and Development Services Director Bruce Peterson, and City Clerk Kevin Halliday.

Council Member Halterman requested that the Planning Commission Minutes be removed from the Consent Agenda.

Council Member Kelly offered a motion adopting the Consent Agenda which included the following: City Council Minutes of April 1, Rice Hospital Board Minutes of April 8, Building Inspection Report for March, Pioneerland Library Board Minutes of February 19, Housing and Redevelopment Authority Minutes of March 10, and Park Board Minutes April 7, 1998. Council Member Reese seconded the motion, which carried.

The Mayor and Council discussed Planning Commission Minutes Item No. 8 regarding Pheasant Run 11th Addition Plat. It was noted the 34-foot road required a letter acknowledging that the road will remain a private street and that the developer knows it is constructed below City standards. The Planning Commission Minutes of April 8, 1998, were accepted as presented and ordered placed on file in the City Clerk's Office upon motion by Council Member Halterman, seconded by Council Member Kelly, and carried.

At 7:04 p.m. Mayor Heitke opened the assessment hearing for Project No. 9605, South Business 71-23 Turnback. City Engineer Odens presented to the Mayor and Council details of the project and a review of proposed assessments. A few citizens appeared before the Mayor and Council to speak in opposition of the proposed assessments. Upon hearing all those who wished to be heard, Mayor Heitke closed the hearing at 7:25 p.m.

Resolution No. 1 was introduced by Council Member Halterman, seconded by Council Member Van Heuveln, read by Mayor Heitke, and approved on a roll call vote of Ayes 8, Noes 0.

RESOLUTION NO. 1

DECLARING COST TO BE ASSESSED AND
ORDERING PREPARATION OF ASSESSMENT ROLL
IN CONNECTION WITH PROJECT NO. 9605
FIRST STREET IMPROVEMENTS OF 1998

WHEREAS, contracts have been let for the construction of First Street (South Business 71-23 Turnback) of 1998 in the City, to-wit: City Project No. 9605; and

WHEREAS, the total cost of said Street and Other Improvements is \$2,948,828.15.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Willmar, Minnesota, as follows:

1. The City Council hereby determines that the City shall pay \$2,648,621.75 of said cost, exclusive of the amount it may pay as a property owner, and the sum of \$300,206.40 shall be assessed against benefited property owners based upon benefits received without regard to cash valuation.

2. The Clerk-Treasurer, with the assistance of the City Engineer, shall forthwith calculate the proper amount to be specially assessed for such improvement against every assessable lot, piece or parcel of land without regard to cash valuation as provided by law, and he shall file a copy of such assessment in his office for public inspection.

3. The Clerk-Treasurer shall, upon the completion of such assessment, notify the City Council thereof.

Dated this 15th day of April, 1998.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Resolution No. 2 was introduced by Council Member Reese, seconded by Council Member Kelly, read by Mayor Heitke, and approved on a roll call vote of Ayes 8, Noes 0.

RESOLUTION NO. 2

WHEREAS, the City of Willmar has assessments which have not been previously collected because the benefited property lies outside of the City limits of the City of Willmar; and

WHEREAS, the City Council believes it to be in the best interests of the City of Willmar as well as the public to be aware of the pendency of such assessments;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Willmar that the potential assessments to be levied against the real estate described on Exhibit A attached hereto be filed in the Office of the Kandiyohi County Recorder for purposes of advising the public of the pendency of such potential assessments.

Dated this 15th day of April, 1998.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

The Public Works/Safety Committee Report of April 7, 1998, was presented to the Mayor and Council by Council Member Halterman. There were six items for Council consideration.

Item No. 1 Patrick Weidemann, representing Mn/DOT, appeared before the Committee to give a brief overview of the results of the joint District 8 Transportation Study. Study points were set up to assess the traffic on the major through arterials for Willmar by comparing vehicle license plates that traveled through versus stopping in the community. This enabled the consultants to model traffic flow and identify areas in need of improvement so as to handle the traffic predicted by the twenty-year forecast.

Some of the improvements include completion of the bypass into four lane along with the interchanges at Civic Center Drive, T.H. 12, T.H. 71, and either

Willmar or 19th Avenue, the extension of County Road No. 5 south through the existing airport property, and lane changes on Trott Avenue, T.H. 12, Willmar and 19th Avenues. This matter was for information only.

Item No. 2 The Committee reviewed information in relation to the Library's temporary move into the Courthouse planned for May 13 - 23, with a reopening date of May 26, 1998. Quotes for the move were briefly discussed. This matter was for information only.

Item No. 3 The Committee reviewed bid tabulations for 1998 tree quotes received. Approximately 410 trees will be planted to replace those vandalized, cut down from disease, winter kill, storm damaged, or in new residential areas. This matter was for information only.

Item No. 4 The Committee considered bid tabulations for 1998 Street Lighting. The costs for the project are included in the 1998 assessments, and staff recommended awarding the contract along with the award of the 1998 Street Project. The Committee was recommending to the Council to award the contract for the 1998 Street Lighting along with 1998 Street Projects at the May 6, 1998, Council meeting. Council Member Halterman moved to approve the recommendation of the Public Works/Safety Committee with Council Member Reese seconding the motion, which carried.

Item No. 5 The Committee discussed expediting the start of construction on South First Street by recommending awarding the contract subsequent to the assessment hearing at the April 15, 1998, Council meeting. The Committee was recommending to the Council to award the contract for Project No. 9605 to Riley Brothers Construction.

Resolution No. 3 was introduced by Council Member Halterman, seconded by Council Member Kelly, read by Mayor Heitke, and approved on a roll call vote of Ayes 8, Noes 0.

RESOLUTION NO. 3

BE IT RESOLVED by the City Council of the City of Willmar, a Municipal Corporation of the State of Minnesota, that the bid of Riley Brothers Construction, Inc. of Morris, Minnesota for Project No. 9605 - First Street (South Business 71-23) Turnback Improvements is accepted, and be it further resolved that the Mayor and City Administrator of the City of Willmar are hereby authorized to enter into an agreement with the bidder for the terms and consideration of the contract in the amount of \$2,490,428.15.

Dated this 15th day of April, 1998.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday
ATTEST: CITY CLERK

Item No. 6 The Committee reviewed information relative to the removal of parking from one side of Fairway Drive. Staff was instructed by the Committee to designate the parking. This matter was for information only.

The Public Works/Safety Committee Report of April 7, 1998, was approved as presented and ordered placed on file in the City Clerk's Office upon motion by Council Member Halterman, seconded by Council Member Reese, and carried.

The Labor Relations Committee Report of April 8, 1998, was presented to the Mayor and Council by Council Member Reese. There were two items for Council consideration.

Item No. 1: The Committee reviewed a recommendation to revise the City's Personnel Policy covering the use of cellular telephones. Following a brief

discussion, the Committee was recommending to the Council adoption of the revised policy as proposed. Council Member Reese moved to approve the recommendation of the Labor Relations Committee with Council Christianson seconding the motion, which carried.

Item No. 2: The Committee continued its discussion of a COP's hiring grant. The grant of \$150,000 through the Department of Justice had been set aside for the City based on previous participation with the COP's program and response to a questionnaire completed by the City late last year. The three-year grant would cover the hiring of two police officers with a 25 percent local match.

The Committee reviewed with staff information and statistics regarding the makeup and activities of the Willmar Police Department. Following a lengthy discussion, the Committee was recommending to the Council that the City of Willmar pass a resolution authorizing the Mayor and City Administrator to submit an application for formal grant approval. Resolution No. 4 was introduced by Council Member Reese, seconded by Council Member DeBlicek, read by Mayor Heitke, and approved on a roll call vote of Ayes 8, Noes 0.

RESOLUTION NO. 4

WHEREAS, the City of Willmar has determined there exists a need for additional peace officers; and

WHEREAS, the U. S. Department of Justice, through its COPS Hiring Grant Program, has set aside funding in the amount of \$150,000 over a period of three years to assist the City of Willmar with the hiring of two additional peace officers;

NOW, THEREFORE, BE IT RESOLVED by the Willmar City Council that the Mayor and City Administrator are hereby authorized to submit an application for formal grant approval.

Dated this 15th day of April, 1998.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday
ATTEST: CITY CLERK

The Labor Relations Committee Report of April 8, 1998, was approved as presented and ordered placed on file in the City Clerk's Office upon motion by Council Member Reese, seconded by Council Member Christianson, and carried.

The Community Development Committee Report of April 9, 1998, was presented to the Mayor and Council by Council Member DeBlicek. There were six items for information only.

Item No. 1 Brian Kelm of Country Manor and Gail Rucks of Helgeson Development presented to the Committee a proposal for the development of an assisted living facility at the Kindlehope site. The proposal was for 40 to 50 one or two bedroom units. It was noted there would be no HUD participation in the project, which has an estimated cost of \$3 million. Tax increment financing was requested from the City to assist with the cost of site acquisition, demolition, asbestos abatement, and site preparation.

The Committee discussed the project and the potential impact on the City by virtue of the required up-front contribution or LGA/HACA penalties. It was acknowledged that the project would result in some cost to the City.

The Committee discussed the senior housing market. Carol Gluth from the Willmar HRA said they were having trouble filling their low-income housing units that offer assisted living services. She did not see the proposed project as being

competitive with HRA projects.

Project employment was briefly discussed. An estimated 10 to 12 jobs would be created initially for the project. The project developers were asked to provide staff with pertinent project information to allow staff to create a TIF scenario for Committee review. This matter was for information only.

Item No. 2 The Committee reviewed a geographic proposal for the extension of building code authority beyond the City limits. A map showing the proposed area was viewed. Committee concerns focused on three areas: A) the proposal's impact on ag buildings, B) justification for the proposed geographic coverage, and C) potential impact on City staff workload.

The Committee directed staff to redefine the geographic limits of the proposal to better reflect anticipated future growth. Staff was also asked to solicit from the County information about the number of permits issued within the proposed area during the past one or two years. This matter was for information only.

Item No. 3 David Kroos, Library architect, presented floor plans and exterior elevations for the Library expansion and renovation project. Interior finishing and furniture concepts were discussed, and Mr. Kroos stated that to keep on schedule, his goal was to have the City Council approve the call for bids at its April 15, 1998, meeting.

The Committee discussed the project plans and construction/finish proposals in detail and was recommending to the Council adoption of a resolution approving plans and specifications and calling for bids on the Library project. Resolution No. 5 was introduced by Council Member DeBlieck, seconded by Council Member Christianson, read by Mayor Heitke, and approved on a roll call vote of Ayes 7, Noes 0, Council Member Houlahan abstained from voting.

RESOLUTION NO. 5

WHEREAS Willmar City Staff has presented to the City Council plans and specifications for asbestos abatement at the Willmar Public Library;

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Willmar that:

Final plans and specifications are hereby approved, and publication of the advertisement for bids is herewith authorized.

Dated this 15th day of April, 1998.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday
ATTEST: CITY CLERK

Item No. 4 The Committee discussed the need for asbestos abatement in the current Library building prior to beginning the expansion and renovation project. The Committee was recommending to the Council to adopt the resolution approving plans and specifications and calling for bids on the Library asbestos abatement project. Resolution No. 6 was introduced by Council Member DeBlieck, seconded by Council Member Fagerlie, read by Mayor Heitke, and approved on a roll call vote of Ayes 7, Noes 0, Council Member Houlahan abstained from voting.

RESOLUTION NO. 6

WHEREAS the architecture firm of Boarman, Kroos, Pfister, Vogel and Associates, Inc. has presented to the City Council plans and specifications for the Willmar Public Library expansion and Renovation project of 1998;

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Willmar that:

Final plans and specifications are hereby approved, and publication of the advertisement for bids is herewith authorized.

Dated this 15th day of April, 1998.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday
ATTEST: CITY CLERK

Item No. 5 Staff informed the Committee that requests had been received from several South First Street business owners requesting off-premise signs during the South First Street reconstruction project. The Committee was recommending to the Council that staff be given the authority to work with affected business to allow temporary, off-premise signs for South First Street businesses directly affected by the reconstruction project. Council Member DeBlieck moved to approve the recommendation of the Community Development Committee with Council Member Fagerlie seconding the motion, which carried.

Item No. 6 Information on a variety of residential and commercial projects was provided to the Committee for discussion. It was noted that the Planning and Development Services Department move had been completed. This matter was for information only.

The Community Development Committee Report of April 9, 1998, was approved as presented and ordered placed on file in the City Clerk's Office upon motion by Council Member DeBlieck, seconded by Council Member Van Heuveln, and carried.

The Mayor and Council considered a preliminary plat for Morningside Estates First Addition. Morningside Development Co. has proposed an 18-lot plat for six, 3-unit residential buildings. The plat is intended to accommodate a PUD approved in 1997, but which was recently amended by the Planning Commission with conditions relating to the addition of easements, drainage plan approval, assessment reapportionment, and building elevations. Council Member Kelly moved to approve the preliminary plat for Morningside Estates First Addition with the conditions stipulated by the Planning Commission. Council Member Reese seconded the motion, which carried.

The Mayor and Council considered an Ordinance to Rezone Certain Lands from Ag to R-2. Planning and Development Services Director Peterson explained that Kosman Construction has proposed the rezoning of a tract east of 25th Street Southeast for an 18-unit twin-home, townhouse project. It was noted the proposed rezoning is consistent with the Willmar Comprehensive Plan and has been approved by the Planning Commission. Council Member DeBlieck offered a motion to introduce the Ordinance to Rezone Certain Lands from Ag to R-2 and to schedule a hearing for May 6, 1998. Council Member Van Heuveln seconded the motion, which carried.

The Mayor and Council considered a petition submitted by Pattison, Taunton and West Central Investors for the annexation of a 9.99-acre tract (site of the proposed Cub Foods store). Following discussion, Resolution No. 7 was introduced by Council Member Kelly, seconded by Council Member Reese, read by Mayor Heitke, and approved on a roll call vote of Ayes 8, Noes 0.

RESOLUITON NO. 7

WHEREAS, a Petition for Annexation (File #98-1) has been filed for the following described piece of property: part of the NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 23, Township 119, Range 35 (complete legal on file in the Planning and Development Services Office), and

WHEREAS, the petitioners have certified and stated that they are all of the owners of said property.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Willmar that ownership of the afore-described property, by the petitioners, in the manner stated has been verified.

BE IF FURTHER RESOLVED that it has been verified that the Petition for Annexation includes not only the request to be annexed, but also a request for City services/improvements/facilities/ utilities.

Dated this 15th day of April, 1998.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday
ATTEST: CITY CLERK

Council Member DeBlieck offered a motion to introduce an Ordinance Extending the Corporate Limits of the City of Willmar and to schedule a hearing for May 20, 1998. Council Member Fagerlie seconded the motion, which carried.

The Mayor and Council considered requests from the following establishments for renewal of current liquor licenses: On-sale: Holiday Inn of Willmar, Edinbary's and Blue Heron on the Green; On-sale Non-intoxicating: Valley Golf Course and Pizza Hut; Club On-sale: Fraternal Order of Eagles, Elks Lodge 952, VFW 1639 and American Legion; and Off-sale: Bubba's Liquor, Cashwise Liquors, Gerry's Liquor, Lakeland Liquor, Skylark Liquors and Liquor Mart. Council Member Kelly moved to approve all licenses subject to licensee meeting code requirements and final approval of City Attorney Ronning. Council Member Halterman seconded the motion, which carried.

Mayor Heitke called for a recess at 8:20 p.m. and reconvened the meeting at 8:30 p.m.

At this time Public Works Director Odens presented to the Mayor and Council the 1997 Public Works Departmental Annual Report. Following a brief question and answer period, the report was ordered placed on file in the City Clerk's Office.

Mayor Heitke recognized Dave Little, West Central Tribune reporter now covering City of Willmar matters, and Sheri Manson, serving an internship with the City Administrator.

Announcements for Council Committee meeting dates were as follows: Finance, April 20; Community Development, April 30; and Public Works/Safety, April 28, 1998.

There being no further business to come before the Council, the meeting adjourned at 9:03 p.m. upon motion by Council Member Kelly, seconded by Council Member Reese, and carried.

Attest:

MAYOR

SECRETARY TO THE COUNCIL